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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,402	11/22/2000	Glenn F. Evans	MS1-688US	2724

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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/721,402	Applicant(s) EVANS ET AL.	
	Examiner Vincent F. Boccio	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE. 8/11/06 VFM
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/1/06</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

Response to 131 is accepted based on the presented 131 and 132 documents, therefore the reference Tsumagari 6,798,976 is not deemed prior art based on the 131 and 132 documents of record.

The Beta version original source code was located and 132 was filed based on locating this program, evaluated and deemed to operate with respect to the claims, tested by a beta tester, not being the inventors, the examiner deems with the 132 by the tester and 131 also provided, is deemed acceptable.

1. The 131 and 132s filed on under 37 CFR 1.131 is deemed sufficient to overcome the Tsumagari 6,798,976 reference.

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-8, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubbell et al. (US 5,966,121).

Regarding claim 1 Hubbell discloses and meets the limitations associated an apparatus comprising:

- a memory (Fig. 4 a PC with RAM, also see Fig. 9, "buffers and 301-303", col. 17, line 29-, col. 19, line 1-, col. 24-, line 33-)

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- medium (Fig. 4 a, 140, "mass storage device")
- a multimedia navigator program (Fig. 4 c, Fig. 4 B, 152, of the PC & system Fig. 4 a, 130, Figs. 5-8, Fig. 16-17, col. 4, lines 30- & col. 16, line 20- etc....., represents navigation software part of the software package);
- a control and information application programming interface or APIs (as analyzed above & col. 28, line 42-, API, also col. 27, line 4-, col. 26, line 20-52), wherein the control and information APIs being configured to respond to flags that are selectively determined it at least one operation will be conducted,
- the operation being selected from a group of operations that include;
 - o a player navigation synchronization operation (playback operations table 3, col. 3, line 11-, Fig. 4 b, 152, "playback controls", Fig. 8, PLAY/STOP, Fig. 9, audio and Video),
 - o a selective interactive operation (col. 14, table 4, "CLICKABLE 1= YES 0 = NO", for example etc...) and
 - o a read/write register operation (see marks & other flags, col. 14, tables 3-4).

Regarding claim 2, Hubbell as analyzed and discussed above passages, further meets the limitation of wherein the player-navigator synchronization performs synchronizing steps that cause a multimedia player application to output a request command (play, stop and many others commands for playback, synchronization and related to navigation, thru the multimedia audio and video material) to the navigator program and a multimedia content navigator to subsequently return an event ID and status result to the player application upon, commencement, completion or cancellation of the requested command (marks are generated upon play and stop, cols. 13-14).

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Further see editing software, col. 2, line 65 to col. 3, line 36 & col. 4, lines 33 to col. 6 and col. 26, col. 28, lines 35-55) to output a request command to the navigator program (Fig. 16) causing the navigator program to subsequently return an event identifier and status result to the player application upon commencement, completion or cancellation (Fig. 4 B, col. 13-14) of the requested command (Fig. 17, Fig. 1 and Fig. 4 C), wherein the request command and the event ID (user interaction with API GUI interface) are both communicated via at least one API (Figs. 5, 6, 7, 8, GUI API, met by play/stop navigator button/controls, also other controls, such as pause and other, col. 13 for example operatively associated with the navigator program (such as Fig. 16, playing and navigating the multimedia data on the hard disk, play and other commands, control), further the limitation of responding to at least a flag, selectively set by the player application to ID that the event will be returned upon completion of a command (col. 12, lines 34-48 and/or Fig. 17, and/or cols. 13-14, especially Table 4, cols. 15-18, many flags are set by the software and user which determines various functionality with respect to user interactions and functions and controls) and "the navigator generates an object that can be used to track", met by playback of the multimedia data by tracking the video (controls Fig. 4 b and system Fig. 9, "301 frame counter", even Fig. 10, Fig. 11, such as playback "step 436" and tracking steps 420-450, tracking) and further meets the limitation of COM objects (met by various reusable software modules, for example see areas col. 26, lines 44 to col. 31, especially col. 27, "OLE", etc.....), thereby track and identify command processes and current status, also see Fig. 25, CRecTracker, col. 12, lines 34-47 and a flag set at the start of the requested command (play generates a mark, Figs. 16-17, col. 10, table 1).

Claims 3-5 and 7-8, 12 are analyzed and discussed with respect to the claims above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

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obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbell et al. (US 5,966,121) in view of Kim et al. (US 5,933,394).

Regarding claims 6 and 9-10, Hubbell discloses multimedia medium, such as a hard drive (col. 11, but, fails to wherein the multimedia information includes a DVD formatted content, having precise playback information.

Kim teaches, a DVD (Figs. 1-2, systems with disk, a DVD, col. 1), having DVD formatted content (Fig. 3) and a navigator 204, which enables extraction of cell information (col. 4) and precise playback information as all formatted DVD content comprises (Fig. 3) and provides information for the beginning and end VTS and cell position information, as taught by Kim.

Kim discloses Titles (cols. 2), fails to particularly mention start and end times associated with the titles.

The examiner takes official notice that Titles having precise playback information, such as beginning and end time information for multimedia data, such as video-audio, is well management information, used a table of contents and to keep track of what is recorded for playback and identifying lengths, the management information useful in playback and editing, as is well known.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Hubbell by incorporating a DVD with DVD formatted content, with precise playback management information such as start and end time, and player apparatus to the computer system, thereby allowing for

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marking of multimedia from a DVD formatted content, as DVD formatted content is becoming a predominant standard in the world, as taught by Kim and also to utilize precise playback information such as start and end times to ID what is recorded and used on playback as well as other advantages as stated above, as is obvious to those skilled in the art.

Contact Fax Information

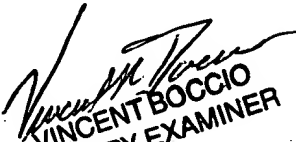
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
10/14/06


VINCENT BOCCIO
PRIMARY EXAMINER